1991 No. 65

INDUSTRIAL RELATIONS

Industrial Relations (Variation of Limits) Order (Northern Ireland) 1991

Made	*5th March 1991*
Coming into operation . .	*1st April 1991*

The Department of Economic Development(**a**), in exercise of the powers conferred on it by paragraph 5(5)(**b**) of Schedule 3 to the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965(**c**), Articles 35(5), 70 and 80(3) of the Industrial Relations (Northern Ireland) Order 1976(**d**) and Articles 5(5) and 63(4) of the Industrial Relations (No. 2) (Northern Ireland) Order 1976(**e**) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Industrial Relations (Variation of Limits) Order (Northern Ireland) 1991 and shall come into operation on 1st April 1991.

(2) In this Order—

"the Act of 1965" means the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965;

"the No. 1 Order" means the Industrial Relations (Northern Ireland) Order 1976;

"the No. 2 Order" means the Industrial Relations (No. 2) (Northern Ireland) Order 1976.

Variation of limits

2. Subject to Article 3, each limit specified in columns 1 and 2 of the table in the Schedule(**f**) is varied by the substitution of the new figure opposite thereto in column 3 for the old figure specified opposite thereto in column 4.

Supplementary and transitional provisions

3.—(1) The variation specified in item 1 of the table in the Schedule shall have effect—

(**a**) Formerly the Department of Manpower Services; *see* S.I. 1982/846 (N.I. 11) Article 3
(**b**) Inserted by S.I. 1976/1043 (N.I. 16) Article 82(1) and Schedule 5 Part II
(**c**) 1965 c. 19 (N.I.)
(**d**) S.I. 1976/1043 (N.I. 16); Article 35(5) was amended by S.I. 1987/936 (N.I. 9) Article 25(1) and Schedule 3, paragraph 4
(**e**) S.I. 1976/2147 (N.I. 28)
(**f**) The limits referred to in paragraph 5(4) of Schedule 3 to the Act of 1965, Articles 32(8), 35(4) and 42(5) of the No. 1 Order and Article 5(1) of the No. 2 Order were substituted by S.R. 1990 No. 69

(*a*) as respects a lay-off or a keeping on short-time where the relevant date (as defined in section 16(2) of the Act of 1965) falls after this Order comes into operation; and

(*b*) as respects a dismissal where the relevant date (as defined in section 13(9)(**a**) (as modified by section 14) or, where applicable, section 13(10)(**a**) of the Act of 1965) falls after this Order comes into operation.

(2) The variation specified in item 2 of the table in the Schedule shall have effect as respects an employer's failure to comply with an order for reinstatement or re-engagement where the date (specified under Article 31(3)(*c*) or, as the case may be, Article 31(5)(*f*) of the No. 1 Order) by which the order must be complied with falls after this Order comes into operation.

(3) The variation specified in item 3 of the table in the Schedule shall have effect where the effective date of termination (as defined in Article 21(4) or, where applicable, Article 21(5)(**b**) or 21(6)(**b**) of the No. 1 Order) falls after this Order comes into operation.

(4) The variations specified in items 2 and 3 of the table in the Schedule shall likewise have effect where, in the case of a complaint presented under Article 6 of the Industrial Relations (Northern Ireland) Order 1982(**c**) (complaint of unreasonable exclusion or expulsion from a trade union), the date of the refusal of the application for, or the expulsion from, membership of a trade union, as the case may be, falls after this Order comes into operation.

(5) The variation specified in item 4 of the table in the Schedule shall have effect where the relevant date (as defined in Article 42(2)(**b**) of the No. 1 Order) falls after this Order comes into operation.

(6) The variation specified in item 5 of the table in the Schedule shall have effect as respects any day in respect of which an employee becomes entitled to a guarantee payment after this Order comes into operation.

(7) Except as provided by paragraphs (1) to (7) the limits having effect under the Order mentioned in Article 4 shall continue to apply as if this Order had not been made.

Revocation

4. Subject to Article 3(7), the Industrial Relations (Variation of Limits) Order (Northern Ireland) 1990(**d**) is hereby revoked.

Sealed with the Official Seal of the Department of Economic Development on 5th March 1991.

(L.S.) *R. B. Spence*
Under Secretary

(**a**) As substituted by S.I. 1976/1043 (N.I. 16) Article 82(1) and Schedule 5 Part II
(**b**) As substituted by S.I. 1987/936 (N.I. 9) Article 25(1) and Schedule 3 paragraph 4
(**c**) S.I. 1982/528 (N.I. 8)
(**d**) S.R. 1990 No. 69